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March 16, 2011

The Honorable Cynthia Stone Creem
Senate Chair - Joint Committee on Judiciary
State House, Room 405
Boston, MA 02133

The Honorable Eugene L. O'Flaherty
House Chair - Joint Committee on Judiciary
State House, Room 136
Boston, MA 02133

RE: H.B. 434, "An Act Relative to the Punishment of Habitual Offenders"

Dear Chairwoman Creem and Chairman O'Flaherty:

I am writing to urge you to pass House Bill 434, "*An Act Relative to the Punishment of Habitual Offenders*," otherwise known as "Melissa's Bill," which would significantly enhance public safety by strengthening our laws relative to dangerous repeat offenders in the Commonwealth. Named in memory of Melissa Gosule, a 27-year-old teacher who was murdered in 1999 by a repeat offender who had served less than two years in jail for a combined 27 criminal convictions, this legislation is a thoughtful and comprehensive approach to our habitual offender laws that should be enacted.

Throughout my career in law enforcement, whether as Middlesex District Attorney or my current role as Attorney General, my work has focused on keeping our communities safe. I believe that dangerous repeat offenders are one of the great threats to public safety.

Melissa's Bill proposes common sense amendments to our habitual offender laws to more effectively punish dangerous repeat offenders and protect the public. It does so by, first, preventing a habitual offender from being eligible for parole or from allowing the charge to be continued without a finding or placed on file. Under current law, habitual offenders are eligible for parole within 60 days before expiration of half of his or her sentence.



Moreover, Melissa's Bill would expand the criteria by which the habitual offender law would apply. The current law only applies to those who have received sentences of at least three years for two prior criminal convictions, and then commit a third felony. Under Melissa's Bill, the criteria would expand to include those defendants who have been:

- Twice convicted and committed for not less than three years in this or other states or by the federal government (this adds federal sentences to the current law to remove a significant loophole);
- Twice convicted in Superior Court of a felony; or
- Twice convicted of a felony punishable by more than 10 years, even if the case was in District Court or the BMC.

By expanding this criteria - and basing eligibility on the underlying crimes committed, not solely the sentences imposed - Melissa's Bill will more effectively apply to the most dangerous repeat offenders who are the greatest threats to public safety.

The tragic murder of Woburn police officer John Maguire in December has sparked law enforcement, legislators, and community stakeholders to re-examine our parole system as a whole, and to find better ways to address criminal behavior in Massachusetts. I applaud Governor Patrick for taking measures to restore confidence in our parole system by issuing a comprehensive report from the Executive Office of Public Safety and Security, replacing the Chair of the parole board, and nominating new parole board members including an experienced victim/witness advocate. While these are certainly steps in the right direction, passing Melissa's Bill is another important step to better protect victims and our communities from dangerous repeat offenders, and I urge its passage.

I appreciate the Committee's continued dedication to this and other important reform matters before it this session. Please feel free to call me or Jennifer Stark, Chief of my Policy and Government Division, at (617) 727-2200 with any questions you may have.

Cordially,

A handwritten signature in black ink that reads "Martha Coakley". The signature is written in a cursive, flowing style.

Martha Coakley